

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 89-80757-2
Hon. Lawrence P. Zatkoff

FAYED CHEDID,

Defendant.

ORDER

This matter is before the Court on Defendant's *pro se* motion for reduction of sentence in light of the November 1, 2010, amendments to the USSG [dkt 23].

"A court may reduce a term of imprisonment pursuant to [18 U.S.C.] § 3582(c)(2) if the defendant's sentence was based on a sentencing range that has subsequently been lowered by the Sentencing Commission and if a reduction would be consistent with the applicable policy statements in the guidelines." *United States v. Smith*, 88 Fed. Appx. 71, 72 (6th Cir. 2004) (citing 18 U.S.C. § 3582(c)(2); *United States v. Dullen*, 15 F.3d 68, 69-70 (6th Cir. 1994)). "Amendments to the guidelines which retroactively lower sentencing ranges and which thus permit a defendant to seek relief under § 3582(c)(2) are listed at USSG § 1B1.10(c)." *Smith*, 88 Fed. Appx. at 72.

In this case, Defendant was sentenced in April 2009. Defendant now seeks a reduction in his sentence pursuant to Amendment 740 to USSG § 2L1.2, which became effective on November 1, 2010. However, since Amendment 740 was not listed in § 1B1.10(c), the Amendment cannot be given retroactive effect in the context of a 18 U.S.C. § 3582(c)(2) motion.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion [dkt 23] is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 17, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 17, 2011 and on Fayed Chedid, No. 81165004, CI NE Corr. CTR, 2240 Hubbard Road, Youngstown, OH 44501 by U.S. Mail.

S/Marie E. Verlinde
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